

# TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission 5 \*\*

Application Number 09/933,323

Filing Date 08/20/2001

First Named Inventor Terry et al.

Group / Art Unit 2611

Examiner Name Not Assigned

Attorney Docket No. 0960-020

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## ENCLOSURES (check all that apply)

☐ Fee Transmittal Form☐ Fee Attached☐ Amendment / Response☐ After Final☐ Affidavits/declaration(s)☐ Extension of Time Request☐ Express Abandonment Request☒ Information Disclosure Statement☐ Certified Copy of Priority Document(s)☐ Response to Missing Parts/  
Incomplete Application☐ Response to Missing  
Parts under 37 CRF  
1.52 or 1.53☐ Assignment Papers  
(for an Application)☐ Drawing(s)☐ Licensing-related Papers☐ Petition Routing Slip (PTO/SB/69)  
and Accompanying Petition☐ Petition to Convert to a  
Provisional Application☐ Power of Attorney, Revocation  
Change of Correspondence  
Address☐ Terminal Disclaimer☐ Small Entity Statement☐ Request for Refund☐ After Allowance Communication  
to Group☐ Appeal Communication to Board  
of Appeals and Interferences☐ Appeal Communication to  
Group  
(Appeal Notice, Brief, Reply Brief)☐ Proprietary Information☐ Status Letter☐ Additional Enclosure(s)  
(please identify below):\*\*Excludes number of pages  
for cited references  
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Remarks

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name

Kevin E. Flynn

Signature

Date

08/06/2003

## CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Post Office Box 1450, Alexandria Virginia 22313-1450, on this date:

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Lynette M. Bailey

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08/06/2003



PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Terry et al.	Attorney Docket:	0960-020
Serial No:	09/933,323	Examiner:	Not Assigned
Filed:	08/20/2001	Art Unit:	2611
Title: CAPACITY SCALING AND FUNCTIONAL ELEMENT REDISTRIBUTION WITHIN AN IN-BUILDING COAX CABLE INTERNET ACCESS SYSTEM			

**SECOND SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

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Commissioner for Patents  
Post Office Box 1450  
Alexandria, Virginia 22313-1450

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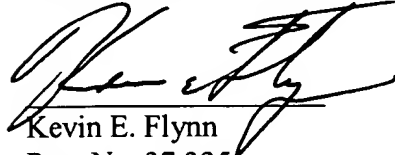
Transmitted herewith are Forms PTO/SB/08A and 08B providing material that may be relevant to the subject application. It is respectfully requested that these documents be considered by the Examiner and an initialed copy of the forms be returned to the undersigned. It is believed that this disclosure complies with the requirements of 37 CFR §§ 1.56, 1.97 and 1.98 and the MPEP § 609. If for some reason the Examiner considers otherwise, it is respectfully requested that the undersigned be called so that any deficiencies can be remedied.

Submission of these documents is consistent with the broadest interpretation of the duty of disclosure. In accordance with the rule for patent prosecution, such a submission is not to be construed as an admission that the information cited in the Second Supplemental Information Disclosure Statement is, or is considered to be, material to patentability as defined in §1.56. Applicants respectfully reserve the right to challenge a conclusion that any of the submitted material represents information constituting prior art to the present application or that the information that applicant has located would be of the type used by one of ordinary skill in the art in solving the problems addressed in the present application. The submission of these materials is consistent with the duty of disclosure and should not be interpreted as an indication that applicant has made a prior art search such that the Examiner should not undertake to conduct an independent prior art search.

Applicants submit material cited by a PTO Examiner in related U.S. Patent Application No. 09/428,836, entitled *High Speed Communication Over Local Coaxial Cable*, by common Assignee coaXmedia, Inc. The '836 application is claimed as a priority document to the present application. Note, U.S. Patent No. 6,178,161 has John Brian Terry as an inventor and is a co-inventor of the present case.

Dated: August 6, 2003

Respectfully submitted,



Kevin E. Flynn  
Reg. No. 37,325

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Enclosures

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Examiner Name	Not Assigned
Attorney Docket	0960-020

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**Examiner  
Signature**

Date  
Considered

Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

**Complete if Known**

Sheet 1 of 1

Application	09/933,323
Filing Date	08/20/2001
First Named	Terry et al.
Group Art Unit	2611
Examiner Name	Not Assigned
Attorney Docket	0960-020

Examiner Initials	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue numbers(s), publisher, city, and/or country where published	T <sup>2</sup>
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A	<i>Data-Over-Cable Service Interface Specifications - Cable Modem to Custom Premise Equipment Interface Specification, Cable Television Laboratories, Inc. SP-CMCI-102-980317, 40 pages, (March 17, 1998)</i>	
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B	US 2002/00-42845 A1, <u>Burmann et al.</u> , <i>Automation System and Connecting Apparatus for the Transparent Communication Between Two Networks</i> , (published April 11, 2002)	
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C	<u>Brain, Marshall</u> , <i>Howstuffworks.com, How Modems Work</i> , (December 5, 1998) <a href="http://web.archive.org/web/19990422184428/www.howstuffworks.com/modem.htm">http://web.archive.org/web/19990422184428/www.howstuffworks.com/modem.htm</a> (5 pages)	
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Considered

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<sup>1</sup> Unique citation designation number. <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.